IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3073 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

and

Hon'ble MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KIRAN FASHION THROUGH AKLA NIRANJAN SABU-POA

Versus

UNION OF INDIA

Appearance:

MR AMAR P DAVE for Petitioner

MR ASIM J PANDYA for Respondents.

CORAM : MR.JUSTICE M.R.CALLA

and

MR.JUSTICE N.G.NANDI

Date of decision: 15/06/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE M.R.CALLA)

Mr. A.P. Dave for the petitioner. Mr. Asim Pandya for the respondents. Rule. Mr. Asim Pandya waives the service of Rule on behalf of the respondents. At the request of learned counsel for both the sides and in the facts and circumstances the Special Civil Application itself is taken up for final disposal.

2. There is no dispute between the parties that during the pendency of this Special Civil Application the order dated 25th of May 2001 has been passed by the Commissioner of Customs (Preventive), Gujarat. This order dated 25th of May 2001 is appealable under Section 129-A of the Customs Act, 1962. There is no dispute that the order dated 25th of May 2001 has already been made a subject matter of appeal under Section 129-A of the Customs Act and the appeal is pending. In the facts and circumstances of the case, we direct that the appeal which is pending before the Customs, Central Excise & Gold (Appellate) Tribunal at Mumbai, (CEGAT) itself may be heard and decided at the earliest possible opportunity and preferably within a period of 6 weeks from the date the certified copy of this order is produced before the Tribunal in accordance with law and keeping in view the provisions of Section 129-E including the question about the pre-deposit. The Registry is directed to communicate this order to the CEGAT at Mumbai at the address to be supplied by the learned counsel for the petitioner.

3. Mr. Asim Pandya for the respondents has candidly stated that even if the petitioner does not take away his goods within a period of 30 days, the same shall not be put to auction until appropriate orders are obtained in the appeal.

4. This Special Civil Application is decided accordingly. Rule is made absolute to the above extent. No order as to costs.

[M.R. Calla, J.]

[N.G. Nandi, J.]

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